

## Professor to lecture on legal mechanics of private conservation

OCTOBER 23, 2010 | BY JOE DUGGAN

Several neighboring Sandhill ranchers want to supplement their livestock incomes by encouraging more wildlife on their lands.

Perhaps they could build a few log cabins, outfit deer hunts or sell wildlife watching and photography excursions.

So do they just make a verbal agreement over barbed wire, sealed with handshakes?

A formal legal arrangement would likely serve them better, says Anthony Schutz, assistant professor at the University of Nebraska-Lincoln College of Law. On Oct. 27, the agricultural law specialist will make his case at the Grassland Conservation and Sustainable Communities lecture.

His talk, "Collaborating Across Fences: Law's Role in Managing Wildlife Resources in Ranch Country." will be at 3:30 p.m. at the Great Plains Art Museum, 1155 Q St., and is open to the public.

The lecture is based on an academic article Schutz recently published on approaches used by landowners to increase the scale of wildlife conservation. His findings pertain to Great Plains states like Nebraska, which is 97 percent privately owned.

Schutz's research shows private ranchers can work together in ways that benefit wildlife and their bottom lines, said Tyler Sutton, president of the Grassland Foundation, which sponsors the annual lecture.

In a sense, Schutz's work is a response to the controversial Buffalo Commons theory, widely understood as an argument for depopulating the

Great Plains and transforming the region into a government-run wildlife refuge.

Sutton called Schutz's work groundbreaking, and said he's not alone. The American Agricultural Law Association recently gave Schutz its 2010 Professional Scholarship Award.

Schutz was interested in studying the formation of "common-interest communities" when it comes to private wildlife conservation. Such approaches formalize the work, costs and benefits of improving land for wildlife under cooperative arrangements.

While government and public policy can encourage private approaches, landowners don't need a legislative green light, said Schutz, 34, who grew up on a farm near Elwood.

"I look at it as economic development from the grassroots," he said. "You don't have to wait for government."

For example, a group of ranchers could establish a political subdivision to achieve conservation management goals. Or they could use a model similar to irrigation or natural resources districts. He also traveled to Namibia to explore private nature conservancies, which also could be applied to the Great Plains. A membership association commonly used in residential settings could be another possibility.

Such arrangements allow landowners to achieve conservation on a large scale without having to buy more land, which makes their holdings more attractive to those who will pay for wildlife recreation. Meanwhile, people continue to own their properties and use them for livestock production.

Families stay on the land, and local economies benefit from wildlife recreation.

"The market, we know it is there, but we don't know to what extent it is there," Schutz said.

His lecture will be of interest to conservationists, landowners and lawyers, he said.

He hopes to portray attorneys as professionals who can help landowners meet business goals and avoid problems, not just someone to call when they're headed to court.

*Reach Joe Duggan at 473-7239 or [jduggan@journalstar.com](mailto:jduggan@journalstar.com).*